

tices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated in Section 30, subsection 3, in the bill because a vehicle depreciation fund at the Department of Transportation does not exist. Therefore, this language would not be workable.

I disapprove the item designated in Section 37 which removes appropriations to the Department of Management for the Grants Enterprise System. I am unable to approve this language because funding for the Grants Enterprise System is now necessary to provide greater transparency for the availability and use of federal American Recovery and Reinvestment Act funds.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 809 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 182
APPROPRIATIONS —
HEALTH AND HUMAN SERVICES
H.F. 811

AN ACT relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly only if the monthly cost per client for case management for the frail elderly services provided does not exceed the amount specified in this section, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible

to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,958,230
.....	FTEs	37.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. a. Of the funds appropriated in this section, \$1,385,015 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department of elder affairs.

b. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of \$70. However, if the department of human services adopts administrative rules revising the reimbursement methodology to include 15 minute units, 24-hour on-call, and other requirements consistent with federal regulations, the \$70 monthly cap shall be eliminated and replaced with a quarterly projection of expenditures and reimbursement revisions necessary to maintain expenditures within the amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

c. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

3. Of the funds appropriated in this section, \$179,961 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. The department shall continue the elder abuse initiative program established pursuant to section 231.56A.

5. In addition to any other funds appropriated in this section for these purposes, \$220,000 shall be used to provide for elder unmet home and community-based services needs as identified in reports submitted by the area agencies on aging.

6. During the fiscal year beginning July 1, 2009, notwithstanding section 231.33, subsection 19, relating to departmental training of area agency on aging boards of directors and section 231.63 relating to the development of end-of-life care information, the department is not required to comply with these requirements if funding is not available.

HEALTH

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations made in this section may include amounts carried forward from appropriations and allocations made for the same purposes in the previous fiscal year. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	28,652,500
.....	FTEs	18.00

a. Of the funds appropriated in this subsection, \$8,028,214 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A.

(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state's compliance in the allocation of available funds to comply with 42 U.S.C. § 300x-26 and section 453A.2.

(2) Of the full-time equivalent positions authorized in this subsection, 2.00 full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances under a chapter 28D agreement entered into between the Iowa department of public health and the alcoholic beverages division of the department of commerce.

b. Of the funds appropriated in this subsection, \$17,546,252 shall be used for substance abuse treatment and prevention.

(1) Of the funds allocated in this lettered paragraph, \$993,487 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(a) Of the funds allocated in this subparagraph, \$473,100 shall be utilized for the public purpose of providing grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(b) Of the funds allocated in this subparagraph, \$473,100 shall be utilized for the public purpose of providing grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(c) The Iowa department of public health shall utilize a request for proposals process to implement the grant program.

(d) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(e) Of the funds allocated for the grant program, \$47,287 shall be used to administer substance abuse prevention grants and for program evaluations.

(2) It is the intent of the general assembly that from the moneys allocated in this lettered paragraph persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. (1) Of the funds appropriated in this subsection, \$4,078,035 shall be used for funding of gambling treatment, including administrative costs and to provide programs which may include but are not limited to outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services. Of the amount allocated in this lettered paragraph, up to \$100,000 may be used for the licensing of gambling treatment programs as provided in section 135.150.

(2) (a) Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of the treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse

treatment services in an area may be provided either by a single agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

(b) From the amounts designated for gambling and substance abuse treatment, the department may use up to \$100,000 for administrative costs to continue developing and implementing the process in accordance with subparagraph division (a).

(3) The requirement of section 123.53, subsection 3, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2009.

d. The bureau of substance abuse prevention and treatment, the division of tobacco use prevention and control, and the office of gambling treatment and prevention shall develop a strategy to coordinate prevention activities across the spectrum of addictive disorders in order to maximize efficiencies and reduce expenditures while meeting the needs of Iowans. The strategy shall be presented to the individuals specified in this Act for submission of reports by December 15, 2009.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	2,249,167
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, not more than \$570,226 shall be used for the healthy opportunities to experience success (HOPES) – healthy families Iowa (HFI) program established pursuant to section 135.106. The department shall transfer the funding allocated for the HOPES-HFI program to the Iowa empowerment board for distribution and shall assist the board in managing the contracting for the funding. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2009.

b. Of the funds appropriated in this subsection, \$292,791 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, \$35,108 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the national foundation of dentistry for the handicapped to provide dental services to indigent elderly and disabled individuals.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	2,756,236
.....	FTEs	3.00

a. Of the funds appropriated in this subsection, \$176,542 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, \$438,018 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, \$244,579 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Title II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$88,938 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	4,116,847
.....	FTEs	21.00

a. Of the funds appropriated in this subsection, \$90,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with community empowerment areas.

b. Of the funds appropriated in this subsection, \$143,254 is allocated for continuation of an initiative implemented at the university of Iowa and \$125,802 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$1,054,060 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, \$100,000 shall be deposited in the governmental public health system fund created by this Act to be used to further develop the Iowa public health standards and to begin implementation of public health modernization in accordance with chapter 135A, as enacted by this Act, to the extent funding is available.

5. ELDERLY WELLNESS

For promotion of healthy aging and optimization of the health of older adults:

.....	\$	8,345,779
-------	----	-----------

a. Of the funds appropriated in this subsection, \$2,292,076 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, \$6,053,703 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	1,000,391
.....	FTEs	4.50

a. Of the funds appropriated in this subsection, \$601,631 shall be used for childhood lead poisoning provisions.

b. Of the funds appropriated in this subsection, not more than \$262,153 shall be used for the development of scientific and medical expertise in environmental epidemiology.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	1,630,661
.....	FTEs	5.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	3,569,986
.....	FTEs	130.00

a. Of the funds appropriated in this subsection, not more than \$549,240 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, \$232,477 shall be used for sexual violence

prevention programming through a statewide organization representing programs serving victims of sexual violence through the department’s sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, not more than \$348,244 shall be used for the continuation and support of a coordinated system of delivery of trauma and emergency medical services.

d. Of the funds appropriated in this subsection, not more than \$539,467 shall be used for the state poison control center.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	1,062,517
.....	FTEs	10.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DEPARTMENT OF VETERANS AFFAIRS

Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

.....	\$	1,067,170
.....	FTEs	17.20

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	11,326,650
-------	----	------------

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Commencing with the fiscal year beginning July 1, 2009, the Iowa veterans home shall revise the payment and exemption amounts for residents participating in the incentive therapy program in accordance with all of the following:

(1) The incentive therapy payment amount for domiciliary level of care residents shall not exceed \$150 per month and for nursing level of care residents shall not exceed \$75 per month.

(2) The amounts paid under the program that are exempt from computation of resident support shall be increased to reflect the increases in the incentive therapy payments in accordance with subparagraph (1).

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

.....	\$	22,944
-------	----	--------

Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the

amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:
..... \$ 1,000,000

HUMAN SERVICES

Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2008, and ending September 30, 2009, and beginning October 1, 2009, and ending September 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:
..... \$ 28,606,513

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:
..... \$ 13,084,528

Notwithstanding section 8.33, not more than 5 percent of the moneys designated in this subsection that are allocated by the department for contracted services, other than family self-sufficiency grant services allocated under this subsection, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2010, the moneys shall revert.

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:
..... \$ 2,998,675

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2010, the moneys shall revert.

4. For field operations:
..... \$ 18,507,495

5. For general administration:
..... \$ 3,744,000

6. For local administrative costs:
..... \$ 2,189,830

7. For state child care assistance:
..... \$ 25,831,177

a. Of the funds appropriated in this subsection, \$18,986,177 shall be transferred to the child care and development block grant appropriation made by the Eighty-third General Assembly, 2009 Session, for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for individuals enrolled in the family investment program who are employed.

8. For mental health and developmental disabilities community services:	\$	4,894,052
9. For child and family services:	\$	32,084,430
10. For child abuse prevention grants:	\$	250,000
11. For pregnancy prevention grants on the condition that family planning services are funded:	\$	1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2009, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2009, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

12. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

	\$	1,037,186
--	----	-----------

13. For the healthy opportunities for parents to experience success (HOPES) program administered by the department of public health to target child abuse prevention:

	\$	200,000
--	----	---------

14. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by community empowerment areas as provided in section 28.9:

	\$	7,350,000
--	----	-----------

a. The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

b. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2009, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

c. The department may transfer funds allocated in this section to the appropriations made in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 5,496,946

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2009-2010.

c. For the diversion subaccount of the FIP account:

..... \$ 1,814,000

A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

d. For the food stamp employment and training program:

..... \$ 68,059

The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty-fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

e. For the JOBS program:

..... \$ 21,638,263

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. It is the intent of the general assembly that the department of human services review the feasibility of expanding categorical food assistance program eligibility in Iowa to at least 160 percent of the applicable federal poverty level and simplifying administrative requirements by eliminating current asset tests for food assistance program eligibility. The department shall estimate the potential economic benefits and fiscal impact of making these changes on individual Iowa families and the state. The department shall report on or before December 15, 2009, concerning the review, providing findings and recommendations, to the persons designated by this division of this Act for submission of reports.

7. The department may adopt emergency rules for the family investment, JOBS, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year begin-

ning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 34,592,700

1. Of the funds appropriated in this section, \$8,553,735 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,518,271 is allocated for the family development and self-sufficiency grant program.

3. a. Of the funds appropriated in this section, \$219,423 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state. The grant shall be provided to an organization that has existing national foundation support for supplying such assistance that can also secure local charitable match funding.

b. The general assembly supports efforts by the organization receiving funding under this subsection to create a statewide earned income tax credit and asset-building coalition to achieve both of the following purposes:

(1) Expanding the usage of the tax credit through new and enhanced outreach and marketing strategies, as well as identifying new local sites and human and financial resources.

(2) Assessing and recommending various strategies for Iowans to develop assets through savings, individual development accounts, financial literacy, antipredatory lending initiatives, informed home ownership, use of various forms of support for work, and microenterprise business development targeted to persons who are self-employed or have fewer than five employees.

4. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2009, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. MH/MR/DD/BI community services (local purchase).

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 13,420,460

..... FTEs 520.00

1. The department shall expend up to \$27,032, including federal financial participation, for

the fiscal year beginning July 1, 2009, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. For Iowa orders, notwithstanding section 598.22A and effective October 1, 2009, support arrearages for which all rights have been and remain assigned to the department for time periods prior to October 1, 1997, when a child did not receive assistance under Title IV-A of the federal Social Security Act or when a child received foster care services, are considered satisfied up to the amount of assistance received or foster care funds expended, and the child support recovery unit shall update court records accordingly. The unit shall send information regarding the provisions of this subsection to the obligor and obligee by regular mail to the last known address, and any objection by an obligor or an obligee shall be heard by the district court.

Sec. 9. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2009, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$ 677,613,847¹

1. Medically necessary abortions are those performed under any of the following conditions:

- a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2009, shall be transferred to the department of human services for an integrated substance abuse managed care system. The depart-

¹ See chapter 179, §84 herein

ment shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this Act for operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, not more than \$166,600 shall be used to enhance outreach efforts. The department may transfer funds allocated in this subsection to the appropriations in this division of this Act for general administration, the state children's health insurance program, or medical contracts, as necessary, to implement the outreach efforts.

7. Of the funds appropriated in this section, up to \$442,100 may be transferred to the appropriation in this Act for medical contracts to be used for clinical assessment services related to remedial services in accordance with federal law.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the state children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and state children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

9. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

10. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

11. Of the funds appropriated in this section, the following amounts shall be transferred to appropriations made in this division of this Act to the state mental health institutes:

a. Cherokee mental health institute	\$	9,098,425
b. Clarinda mental health institute	\$	1,977,305
c. Independence mental health institute	\$	9,045,894
d. Mount Pleasant mental health institute	\$	5,752,587

12. a. Of the funds appropriated in this section, \$2,687,889 is allocated for state match for disproportionate share hospital payment of \$7,321,954 to hospitals that meet both of the following conditions:

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payment shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.²

13. Of the funds appropriated in this section, up to \$4,634,065 may be transferred to the IowaCare account created in section 249J.24.

14. Of the funds appropriated in this section, \$200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

15. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

16. a. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department for deposit in a separate account after the end of the fiscal year.

b. The department shall continue to maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts, chapter 1187, section 9, subsection 20. Notwithstanding section 8.33, funds remaining in the account that remain unencumbered or unobligated at the end of any fiscal year shall not revert but shall remain available in succeeding fiscal years and shall be used only in accordance with appropriations from the account for health and human services-related purposes.

c. For the fiscal year beginning July 1, 2009, funds in the separate account are appropriated to the department of human services as state matching funds for the medical assistance program.

17. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal family opportunity Act.

18. The department shall add behavior programming, crisis intervention, and mental health outreach services to the home and community-based services mental retardation waiver in order to continue necessary home and community-based services for persons transitioning into the community under the money follows the person grant program.

19. It is the intent of the general assembly that the Iowa autism council established in section 256.35A shall work with the department of human services to review the option of implementing a home and community-based services waiver for individuals up to 21 years of age with autism under the medical assistance program. The council shall present final recommendations to the general assembly by January 15, 2010.

20. The department shall issue a request for proposals to implement a correct coding initiative for the medical assistance program to promote correct coding of health care services by providers, to evaluate claims submissions, and to prevent improper payment. The department

² See chapter 179, §85 herein

may use a portion of any savings projected to result from the initiative for one-time implementation costs and for on-going costs of the contract to the extent that savings exceed costs of the initiative.

21. The department shall request a medical assistance state plan amendment to be effective July 1, 2010, that specifies the coverage criteria for applied behavioral analysis therapy in the remedial services program. Such coverage criteria shall be based on the best practices in medical literature that have been documented to achieve results.

22. The department may issue a request for proposals to implement a transportation brokerage system for administering medical assistance program medical transportation payments and client referrals. Any request for proposals shall be structured to be budget neutral to the state.

Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	508,011
.....	FTEs	19.00

Sec. 11. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,651,503
.....	FTEs	6.00

Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

.....	\$	18,412,646
-------	----	------------

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2009, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human ser-

vices for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I for receipt of federal financial participation under Title XXI of the federal Social Security Act, which creates the state children’s health insurance program:

..... \$ 14,629,830

2. Of the funds appropriated in this section, \$128,950 is allocated for continuation of the contract for advertising and outreach with the department of public health and \$90,050 is allocated for other advertising and outreach.

Sec. 14. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 37,974,472

1. Of the funds appropriated in this section, \$34,417,754 shall be used for state child care assistance in accordance with section 237A.13. It is the intent of the general assembly to appropriate sufficient funding for the state child care assistance program for the fiscal year beginning July 1, 2010, in order to avoid establishment of waiting list requirements by the department in the preceding fiscal year in anticipation that enhanced funding under the federal American Recovery and Reinvestment Act of 2009 will not be replaced for the fiscal year beginning July 1, 2010.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, \$480,453 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. a. Of the funds appropriated in this section, \$1,536,181 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

b. The department shall revise the achievement bonus provisions under the voluntary quality rating system to provide that the bonus amount paid for a provider renewing a rating at levels 2 through 4 in years subsequent to the initial rating shall not be more than 50 percent of the amount of the initial bonus award. For providers who renew at a lower rating level than previously awarded, the achievement bonus amount shall not be more than 50 percent of the award amount for the lower rating level.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department’s service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. Of the funds appropriated in this section, \$1,097,084 is transferred to the Iowa empower-

ment fund from which it is appropriated to be used for professional development for the system of early care, health, and education.

8. Of the funds appropriated in this section, \$350,000 shall be allocated to a county with a population of more than 300,000 to be used for continuation of a grant to support child care center services provided to children with mental, physical, or emotional challenges in order for the children to remain in a home or family setting.

9. Of the amount allocated in subsection 1, \$93,000 shall be used for the public purpose of providing a grant to a neighborhood affordable housing and services organization established in a county with a population of more than 350,000, that provides at least 300 apartment units to house more than 1,000 residents, of which more than 80 percent belong to a minority population and at least 95 percent are headed by a single parent and have an income below federal poverty guidelines, to be used for child development programming for children residing in the housing.

10. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, and maintenance, and for not more than the following full-time equivalent positions:

.....	\$	6,754,759
.....	FTEs	125.00

2. For operation of the state training school at Eldora and for salaries, support, and maintenance, and for not more than the following full-time equivalent positions:

.....	\$	10,717,787
.....	FTEs	202.70

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2009.

Sec. 16. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	90,591,451
-------	----	------------

2. In order to address a reduction of \$5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to \$34,200,400 is allocated as the state-

wide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2009, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2009-2010. Of the funds appropriated in this section, \$1,717,753 is allocated specifically for expenditure for fiscal year 2009-2010 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to \$7,686,460. The department may continue or amend shelter care provider contracts to include the child welfare emergency services for children who might otherwise be served in shelter care that were implemented pursuant to 2008 Iowa Acts, chapter 1187, section 16, subsection 7.

8. Except for federal funds provided by the federal American Recovery and Reinvestment Act of 2009, federal funds received by the state during the fiscal year beginning July 1, 2009, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. Of the funds appropriated in this section, at least \$3,464,856 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$2,257,277 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$819,722 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court admin-

istrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2009.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$100,000 may be used by the judicial branch for administration of the requirements under this subsection.

11. Of the funds appropriated in this section, \$1,005,166 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

12. If the department receives federal approval to implement a waiver under Title IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, \$2,695,256 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, \$975,162 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

a. To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

(1) Marshall county:	\$	58,509
.....		
(2) Woodbury county:	\$	117,267
.....		
(3) Polk county:	\$	182,779
.....		
(4) The third judicial district:	\$	63,385
.....		
(5) The eighth judicial district:	\$	63,385
.....		

b. For court-ordered services to support substance abuse services provided to the juveniles participating in the juvenile drug court programs listed in paragraph "a" and the juveniles' families:

.....	\$	489,837
-------	----	---------

The state court administrator shall allocate the funding designated in this paragraph among the programs.

15. Of the funds appropriated in this section, \$224,288 shall be used for the public purpose of providing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

16. Of the funds appropriated in this section, \$123,923 is allocated for the elevate approach of providing a support network to children placed in foster care.

17. Of the funds appropriated in this section, \$227,987 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

18. Of the funds appropriated in this section, \$75,741 is allocated for the public purpose of renewing of a grant to a county with a population between 189,000 and 196,000 in the latest preceding certified federal census for implementation of the county's runaway treatment plan under section 232.195.

19. Of the funds appropriated in this section, \$590,780 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, \$355,036 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

21. Of the funds appropriated in this section, \$281,217 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, \$23,792 is allocated for the public purpose of providing a grant to a child welfare services provider headquartered in a county with a population between 189,000 and 196,000 in the latest preceding certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

23. Of the funds appropriated in this section, \$125,000 is allocated for continuation of the contracts for the multidimensional treatment level foster care program established pursuant to 2006 Iowa Acts, chapter 1123, for an additional year. The contractor shall provide a 25 percent match to receive the funds and shall submit a report on the program to the persons designated by this division of this Act for submission of reports.

24. Of the funds appropriated in this section, \$80,000 shall be transferred to the appropriation made in this division of this Act for the family support subsidy program to supplement that appropriation.

Sec. 17. The department of human services shall work jointly with the juvenile court and juvenile court services in studying the provision of child abuse information to juvenile court services concerning children under the supervision of juvenile court services, barriers to timely provision of the information, and how the provision of the information can be improved. A final report with findings and recommendations shall be submitted to the governor, supreme court, and general assembly, on or before December 15, 2009.

Sec. 18. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:
..... \$ 34,883,674

2. The department may transfer funds appropriated in this section to the appropriation made in this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Except for federal funds provided by the federal American Recovery and Reinvestment Act of 2009, federal funds received by the state during the fiscal year beginning July 1, 2009, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile deten-

tion home fund created in section 232.142 during the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2008. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2008. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2009, shall be limited to the amount appropriated for the purposes of this section.

Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

..... \$ 1,697,137

2. The department shall use at least \$385,475 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$25,000 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 21. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871 (S.D. Iowa, July 14, 1994):

..... \$ 37,358

Sec. 22. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,436,076
 FTEs 205.00

b. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,227,335
 FTEs 114.95

c. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 9,503,567
 FTEs 287.85

d. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,795,552
.....	FTEs	116.44

2. The department shall submit a proposal for closing one state mental health institute and consolidating the services provided at the other state mental health institutes. The proposal shall provide for maintaining the existing levels of beds and services after the consolidation. The proposal shall be developed in coordination with the task force review of the four institutes performed under this section. The department shall incorporate or address the findings and recommendations of the task force in such proposal. The proposal shall be submitted to the persons designated by this division of this Act for submission of reports on or before December 15, 2009.

3. The department shall staff a task force to be appointed by the governor consisting of knowledgeable citizens to perform an in-depth review of the four state mental health institutes, services provided, public benefits of the services provided, economic effects connected to the presence of the institutes that are realized by the communities in the areas served and the families of personnel, and other public costs and benefits associated with the presence and availability of the four institutes. The review shall be coordinated with the proposal to be developed by the department under this section and shall incorporate or address the proposal findings and recommendations. The task force shall submit a report providing findings and recommendations to the governor and general assembly on or before December 15, 2009.

Sec. 23. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	17,620,487
-------	----	------------

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	10,929,200
-------	----	------------

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2009-2010.

Sec. 24. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

..... \$ 11,446,288

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, \$200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C., ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2007, and ending September 30, 2008, beginning October 1, 2008, and ending September 30, 2009, and beginning October 1, 2009, and ending September 30, 2010. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

3. For the fiscal year beginning July 1, 2009, to the extent the appropriation made in this section and other funding provided for state case services and other support, as defined in section 331.440, and the other funding available in the county's services fund under section 331.424A are insufficient to pay the costs of such services and other support, a county of residence may implement a waiting list or other measures to maintain expenditures within the available funding.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 15,790,111

1. Of the funds appropriated in this section, \$15,763,951 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$26,160 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county's county management plan approved by the board of supervisors. A county without

an approved county management plan shall not receive allocated funds until the county's management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

Sec. 26. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,860,204
.....	FTEs	105.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 27. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	63,032,831
.....	FTEs	2,000.13

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 28. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,252,523
.....	FTEs	354.33

1. Of the funds appropriated in this section, \$48,556 is allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

*3. Notwithstanding provisions to the contrary in chapter 217, if necessary to address fund-

* Item veto; see message at end of the Act

*ing reductions in general administration and field operations, the department may propose and implement reorganization of the departmental administration and field operations during the fiscal year beginning July 1, 2009. At least 30 calendar days prior to implementation of any reorganization, the department shall submit a detailed proposal for the reorganization to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the department of management, and the persons designated by this division of this Act for submission of reports, to provide an opportunity for review, and comment, and possible revision of the proposal.**

4. The department shall adopt rules pursuant to chapter 17A establishing standards for childrens centers under section 237B.1, as amended by this Act.

Sec. 29. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
 \$ 94,067

Sec. 30. FAMILY PLANNING SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For family planning services to individuals with incomes not to exceed 200 percent of the federal poverty level as defined by the most recently revised income guidelines published by the United States department of health and human services, who are not currently receiving the specific benefit under the medical assistance program:
 \$ 10,000

Moneys appropriated under this section shall not be used to provide abortions. The department shall work with appropriate stakeholders to implement and administer the program.

Sec. 31. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount or so much thereof as is necessary for the purpose designated:

For a pregnancy counseling and support services program as specified in this section:
 \$ 100,000

The department of human services shall continue the pregnancy counseling and support services program to provide core services consisting of information, education, counseling, and support services to women who experience unplanned pregnancies by supporting child-birth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy while deciding whether to keep the child or place the child for adoption, and assisting women after the birth of a child that was implemented pursuant to 2008 Iowa Acts, chapter 1187, section 30.

Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2009, the total state funding amount for the nursing facility budget shall not exceed \$146,803,575.³

(2) For the fiscal year beginning July 1, 2009, the department shall rebase case-mix nursing facility rates. However, total nursing facility budget expenditures, including both case-mix and noncase-mix shall not exceed the amount specified in subparagraph (1). When calculating case-mix per diem cost and the patient-day-weighted medians used in rate-setting for nursing facilities effective July 1, 2009, the inflation factor applied from the midpoint of the cost

* Item veto; see message at end of the Act

³ See chapter 183, §73, 74 herein

report period to the first day of the state fiscal year rate period shall be adjusted to maintain state funding within the amount specified in subparagraph (1).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2009, are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount. The department shall revise such reimbursement as necessary to adjust the annual accountability measures payment in accordance with 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, and as amended by this Act.

b. For the fiscal year beginning July 1, 2009, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.57 per prescription or the pharmacy's usual and customary fee, whichever is lower.

c. (1) For the fiscal year beginning July 1, 2009, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2009.

(2) For the fiscal year beginning July 1, 2009, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2009. The Iowa hospital association shall submit information to the general assembly's standing committees on government oversight during the 2010 session of the general assembly regarding actions taken to increase compensation and other costs of employment for hospital staff who provide direct care to patients.

(3) For the fiscal year beginning July 1, 2009, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2009.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2009, reimbursement rates for rural health clinics, hospices, independent laboratories, rehabilitation agencies, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2009, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2009, not to exceed a home health agency's actual allowable cost.

f. For the fiscal year beginning July 1, 2009, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

g. For the fiscal year beginning July 1, 2009, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2009.

h. Unless legislation is enacted by the Eighty-third General Assembly, 2009 Session, adjusting such rates, for the fiscal year beginning July 1, 2009, the maximum reimbursement rate for psychiatric medical institutions for children shall be \$167.19 per day.

i. For the fiscal year beginning July 1, 2009, unless otherwise specified in this Act, all non-institutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2009, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

j. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2009.

k. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2009, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall remain at the rate in effect on June 30, 2009; however, this rate shall not exceed the maximum level authorized by the federal government.

1. For the fiscal year beginning July 1, 2009, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

m. For the fiscal year beginning July 1, 2009, inpatient mental health services provided at hospitals shall be reimbursed at the cost of the services, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

n. For the fiscal year beginning July 1, 2009, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2009.

o. For the fiscal year beginning July 1, 2009, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall be increased by 5 percent above the rates in effect on June 30, 2009.

2. For the fiscal year beginning July 1, 2009, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2009, notwithstanding section 234.38, the foster family basic daily maintenance rate, the maximum adoption subsidy rate, and the maximum supervised apartment living foster care rate, and the preparation for adult living program maintenance rate for children ages 0 through 5 years shall be \$16.36, the rate for children ages 6 through 11 years shall be \$17.01, the rate for children ages 12 through 15 years shall be \$18.62, and the rate for children and young adults ages 16 and older shall be \$18.87.

5. For the fiscal year beginning July 1, 2009, the maximum reimbursement rates for social services providers reimbursed under a purchase of social services contract shall remain at the rates in effect on June 30, 2009, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, the rates may be adjusted under any of the following circumstances:

a. If a new service was added after June 30, 2009, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

6. For the fiscal year beginning July 1, 2009, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2009.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appro-

priate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. For the fiscal year beginning July 1, 2009, remedial service providers shall receive the same level of reimbursement under the same methodology in effect on June 30, 2009.

9. a. For the fiscal year beginning July 1, 2009, the combined service and maintenance components of the reimbursement rate paid for shelter care services and alternative child welfare emergency services purchased under a contract shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

b. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2009, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the preceding fiscal year.

10. For the fiscal year beginning July 1, 2009, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. For the fiscal year beginning July 1, 2009, notwithstanding any provision to the contrary, the rate calculation methodology shall utilize a 3 percent consumer price index inflation factor. However, beginning July 1, 2010, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2010.

11. For the fiscal year beginning July 1, 2009, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2009, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2009. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

12. For the fiscal year beginning July 1, 2009, reimbursements for providers reimbursed by the department of human services may be modified if appropriated funding is allocated for that purpose from the senior living trust fund created in section 249H.4.

13. The department may adopt emergency rules to implement this section.

Sec. 33. 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, is amended by striking the subsection, and inserting in lieu thereof the following:

4. NURSING FACILITY PAY-FOR-PERFORMANCE.

a. It is the intent of the general assembly that the department of human services initiate a system to recognize nursing facilities that provide quality of life and appropriate access to medical assistance program beneficiaries in a cost-effective manner.

b. The department shall design and implement a program to establish benchmarks and to collect data for these benchmarks to evaluate nursing facility performance and to adjust the program and benchmarks, accordingly, to recognize improvement. The program shall include procedures to provide a pay-for-performance payment based upon a nursing facility's achievement of multiple favorable outcomes as determined by these benchmarks. Any increased reimbursement shall not exceed 5 percent of the sum of the direct and nondirect care medians. The increased reimbursement shall be included in the calculation of nursing facility modified price-based payment rates with the exception of Medicare-certified hospital-based nursing facilities, state-operated nursing facilities, and special population nursing facilities. The increased reimbursement shall be applicable to the payment periods beginning July 1, 2009.

c. It is the intent of the general assembly that any pay-for-performance payments to nursing facilities be used to support direct care staff through increased wages, enhanced benefits, and expanded training opportunities and that all pay-for-performance payments be used in a manner that improves and enhances quality of care for residents.

d. The program shall include various levels of compliance in order for a nursing facility to be considered eligible for a pay-for-performance payment including:

- (1) The initial meeting of prerequisites including all of the following:
 - (a) A nursing facility shall not be eligible to participate if during the payment period the nursing facility receives a deficiency resulting in actual harm or immediate jeopardy, pursuant to the federal certification guidelines at an H level scope and severity or higher, regardless of the amount of fines assessed.
 - (b) The pay-for-performance payment component shall be suspended for any month the nursing facility is in denial of payment for new admissions status.
- (2) Monitoring for nursing facility compliance with program requirements including:
 - (a) Survey compliance during the payment period. If a nursing facility receives a deficiency resulting in actual harm pursuant to the federal certification guidelines at a G level scope and severity or higher, the payment shall be reduced by 25 percent for each such deficiency received during the state fiscal year. Additionally, if the nursing facility fails to cure any deficiency cited within the time required by the department of inspections and appeals, the payment shall be forfeited and the nursing facility shall not receive any payment for that payment period.
 - (b) Compliance with the use of the pay-for-performance payment received.
 - (c) Establishing and utilizing a tracking and reporting system to document the use of the pay-for-performance payments by the nursing facility.
- (3) Use of measures based on the four domains of quality of life, quality of care, access, and efficiency.
 - e. (1) The department shall utilize cost reports or other means to document nursing facility eligibility for and compliance with the pay-for-performance payments.
 - (2) The department shall publish the results of the measures for which a nursing facility qualifies and the amount of any pay-for-performance payment received. The department shall also publish information regarding the use of the pay-for-performance payments by any nursing facility receiving such payment.
 - f. The department may adopt emergency rules to implement this subsection.
 - g. The department shall request any medical assistance state plan amendment necessary to implement the pay-for-performance payment methodology.
 - h. It is the intent of the general assembly that the department of human services continue to convene the workgroup established pursuant to 2008 Iowa Acts, chapter 1187, section 33, to develop recommendations to design a quality improvement process for targeted nursing facilities for implementation in the fiscal year beginning July 1, 2010. Recommendations shall include a process that identifies the best practices used in facilities receiving pay-for-performance payment and creates a system to assist other nursing facilities in the implementation of those best practices.

Sec. 34. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, mental retardation, developmental disabilities, and brain injury commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 5, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2009, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the

budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 35. DEPARTMENTAL EFFICIENCIES — BUDGET REDUCTIONS. The departments of elder affairs, public health, human services, and veterans affairs shall develop a plan to maximize efficiencies to reduce their respective FY 2009-2010 budgets by five percent beginning in FY 2010-2011. The departments shall collaborate to the extent appropriate to accomplish such reductions. The departments shall report their plans for maximizing efficiencies and reducing their budgets to the individuals specified in this Act to receive reports by December 15, 2009.

Sec. 36. FULL-TIME EQUIVALENT POSITIONS — REDUCTIONS. The director of the department or state agency to which appropriations are made pursuant to this division of this Act, in making any reductions in full-time equivalent positions, shall, to the greatest extent possible, retain those positions providing direct services to the public.

Sec. 37. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall require employees, in order to receive reimbursement for expense, to submit actual receipts for meals and other costs. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted.

Sec. 38. OUT-OF-STATE TRAVEL — RESTRICTIONS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, out-of-state travel by an employee of a department or state agency to which appropriations are made pursuant to this Act shall not be authorized unless the executive council authorizes the travel as necessary for the performance of official state business.

Sec. 39. LEAN GOVERNMENT EXCHANGE. Beginning July 1, 2009, the department of human services shall participate in the lean government exchange through consultation with the department of management, office of lean enterprise, to improve the speed and efficiency of departmental and program processes by eliminating waste. The department shall initially apply this methodology to general administration. The department shall submit periodic progress reports regarding such implementation to the persons designated by this division of this Act for submission of reports.

Sec. 40. PHARMACY-RELATED ISSUES — INTERIM.

1. The legislative council is requested to establish a legislative study committee for the 2009 interim to identify strategies and solutions to address problems arising from inappropriate medication use in the health care system.

2. The study committee shall consist of members of the general assembly, and representatives of the department of public health, the Iowa pharmacy association, the Iowa medical society, the Iowa nurses association, wellmark blue cross blue shield, the principal financial group,⁴ the university of Iowa college of public health, the Iowa retail federation, the prevention and chronic care management advisory council established in section 135.161, the medical home system advisory council established in section 135.159, the Iowa healthcare collaborative, as defined in section 135.40, the health policy corporation of Iowa, and the Iowa foundation for medical care.

3. The study committee shall document the extent and causes of medication use problems

* Item veto; see message at end of the Act

⁴ See chapter 179, §185 herein

and examine potential solutions including medication therapy management programs, evidence-based prescriber education programs, clinical pharmacy services in the primary medical home, collaborative practice models of care, and quality and performance-based payment systems.

4. The study committee shall submit a report of its findings and recommendations to the general assembly for consideration during the 2010 legislative session.

Sec. 41. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 42. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for fiscal year 2009-2010.

DIVISION II
SENIOR LIVING TRUST FUND,
PHARMACEUTICAL SETTLEMENT ACCOUNT,
IOWACARE ACCOUNT, AND HEALTH CARE
TRANSFORMATION ACCOUNT

Sec. 43. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management only if the monthly cost per client for case management for the frail elderly services provided does not exceed the amount specified in this section, and including program administration and costs associated with implementation:

..... \$ 8,486,698

1. a. Of the funds appropriated in this section, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

b. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of \$70. However, if the department of human services adopts administrative rules revising the reimbursement methodology to include 15 minute units, 24-hour on-call, and other requirements consistent with federal regulations, the \$70 monthly cap shall be eliminated and replaced with a quarterly projection of expenditures and reimbursement revisions necessary to maintain expenditures within the amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

c. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical as-

sistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

2. Notwithstanding section 249H.7, the department of elder affairs shall distribute funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department of elder affairs or the area agencies on aging.

3. Of the funds appropriated in this section, \$60,000 shall be used to provide dementia-specific education to direct care workers and other providers of long-term care to enhance existing or scheduled efforts through the Iowa caregivers association, the Alzheimer's association, and other organizations identified as appropriate by the department.

Sec. 44. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the inspection and certification of assisted living facilities and adult day care services, including program administration and costs associated with implementation:
..... \$ 1,339,527

Sec. 45. IOWA FINANCE AUTHORITY. There is appropriated from the senior living trust fund created in section 249H.4 to the Iowa finance authority for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the rent subsidy program, to provide reimbursement for rent expenses to eligible persons:
..... \$ 700,000

Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2009, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the funds appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 46. DEPARTMENT OF HUMAN SERVICES. Any funds remaining in the senior living trust fund created in section 249H.4 following the appropriations from the senior living trust fund made in this division of this Act to the department of elder affairs, the department of inspections and appeals, and the Iowa finance authority, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, including program administration and costs associated with implementation. In order to carry out the purposes of this section, the department may transfer funds appropriated in this section to supplement other appropriations made to the department of human services.

Sec. 47. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the appropriations made for medical contracts under the medical assistance program:
..... \$ 1,323,833

Sec. 48. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal

year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 27,284,584

a. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 47,020,131

The amount appropriated in this subsection shall be distributed only if expansion population claims adjudicated and paid by the Iowa Medicaid enterprise exceed the appropriation to the state board of regents for distribution to the university of Iowa hospitals and clinics provided in subsection 1. The amount appropriated in this subsection shall be distributed monthly for expansion population claims adjudicated and approved for payment by the Iowa Medicaid enterprise using medical assistance program reimbursement rates.

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 46,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of \$41,000,000 shall be allocated only if federal funds are available to match the amount allocated.

b. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24,

subsection 6, paragraph “a”, unnumbered paragraph 1, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of \$38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

c. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph “a”, subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2009, and December 31, 2009, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph “a”, subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2010, and June 30, 2010, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

Sec. 49. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the costs of medical examinations and development of personal health improvement plans for the expansion population pursuant to section 249J.6:
 \$ 556,800
2. For the provision of a medical information hotline for the expansion population as provided in section 249J.6:
 \$ 100,000
3. For other health promotion partnership activities pursuant to section 249J.14:
 \$ 600,000
4. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:
 \$ 125,000
5. For administrative costs associated with chapter 249J:
 \$ 1,132,412
6. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14, subsection 7:
 \$ 1,000,000
7. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:
 \$ 50,000
8. For medical contracts:
 \$ 1,300,000
9. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:
 \$ 290,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 50. APPROPRIATION FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF ELDER AFFAIRS. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For re-programming of the SEAMLESS computer system for case management:
..... \$ 200,000

Sec. 51. IOWACARE RENEWAL OF WAIVER. It is the intent of the general assembly that the department of human services apply for renewal of the IowaCare section 1115 demonstration waiver under the medical assistance program. The department shall seek to renew the existing terms of the waiver for an additional five-year period and shall seek maximum expenditure authority for payments to the state’s four mental health institutes. The IowaCare section 1115 demonstration waiver renewal shall be amended to remove the limitation on new provider taxes and shall transfer the seriously emotionally disturbed children waiver to be approved as a section 1915(c) home and community-based services waiver.

Sec. 52. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2009-2010. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the general fund of the state, the senior living trust fund, the health care trust fund, and the property tax relief fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION III
MH/MR/DD SERVICES
ALLOWED GROWTH FUNDING
FY 2009-2010

Sec. 53. Section 426B.5, subsection 2, paragraph i, subparagraph (3), Code 2009, is amended to read as follows:

(3) Avoiding the need for reduction or elimination of a mobile crisis team or other critical emergency services when the reduction or elimination places the public’s health or safety at risk.

Sec. 54. 2008 Iowa Acts, chapter 1191, section 1, is amended to read as follows:
SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2009-2010.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2009-2010 as provided in

this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 69,949,069
54,108,770

~~2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.~~

Sec. 55. 2008 Iowa Acts, chapter 1191, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 1. Of the amount appropriated in this section, \$146,750 shall be used for assistance to the counties with limited county mental health, mental retardation, and developmental disabilities services fund balances which were selected in accordance with 2000 Iowa Acts, chapter 1221, section 3, to receive such assistance, in the same amount provided during the fiscal year beginning July 1, 2000, and ending June 30, 2001, to pay reimbursement increases in accordance with 2000 Iowa Acts, chapter 1221, section 3.

NEW SUBSECTION. 2. Of the amount appropriated in this section, \$12,000,000 shall be distributed as provided in this subsection.

a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:

(1) The county is levying for the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2009, or the county is levying for at least 90 percent of the maximum amount allowed for the county's services fund and that levy rate is more than \$2 per \$1,000 of the assessed value of all taxable property in the county.

(2) In the fiscal year beginning July 1, 2007, the county's mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county's actual gross expenditures for that fiscal year.

b. A county's allocation of the amount appropriated in this subsection shall be determined based upon the county's proportion of the general population of the counties eligible to receive an allocation under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The allocations made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2009.

NEW SUBSECTION. 3. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2009-2010, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 41,962,020

NEW SUBSECTION. 4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2009-2010 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... \$ 49,626,596

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2009:

..... \$ 15,763,951

NEW SUBSECTION. 5. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 4 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2007, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2007, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection. The withholding factor for a county shall be the following applicable percent:

a. For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

b. For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

c. For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for counties with an ending balance percentage of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

d. For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

NEW SUBSECTION. 6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of \$7,664,576. If the department of human services determines that the amount to be withheld in accordance with subsection 6 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 6 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 5, paragraph "a".

Sec. 56. **ADULT MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES SYSTEM TASK FORCE.** The co-chairpersons of the joint appropriations subcommittee on health and human services, in consultation with the ranking members of the subcommittee, shall appoint a task force of stakeholders for the 2009 legislative interim to address the service system administered by counties for adult mental health and developmental disabilities services. The task force shall address both funding and service issues and may utilize a facilitator to assist the process. The task force shall submit a final report with recommendations to the governor and general assembly for action during the 2010 legislative session.

Sec. 57. **MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION AND MENTAL HEALTH PLANNING COUNCIL.** During the fiscal year beginning July 1, 2009, the mental health, mental retardation, develop-

mental disabilities, and brain injury commission and the Iowa mental health planning council established by the department of human services pursuant to federal requirements for the community mental health services block grant, or the officers of such bodies, shall meet at least quarterly to coordinate the efforts of the bodies.

Sec. 58. STATE RESOURCE CENTER BILLINGS — AMERICAN RECOVERY AND RE-INVESTMENT ACT. For the period beginning October 1, 2008, and ending September 30, 2010, or the period for which funding from the federal American Recovery and Reinvestment Act of 2009 can be used for the cost of care for patients at a state resource center, whichever is longer, the per diem amounts billed to counties under section 222.73 for such care may be adjusted downward by an applicable percentage of the nonfederal portion of the billing amounts, as necessary to comply with the intent of the federal Act.

Sec. 59. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to state resource center billings, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to October 1, 2008, and is applicable on and after that date.

DIVISION IV
HEALTH CARE TRUST FUND APPROPRIATIONS —
HEALTH CARE ACTIVITIES

Sec. 60. DEPARTMENT OF PUBLIC HEALTH. In addition to any other appropriation made in this Act for the purposes designated, there is appropriated from the health care trust fund created in section 453A.35A to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADDICTIVE DISORDERS
..... \$ 2,748,692

a. Of the funds appropriated in this subsection, \$357,870 shall be used for culturally competent substance abuse treatment pilot projects.

(1) The department shall utilize the amount allocated in this lettered paragraph for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African-American, Asian, and Latino.

(2) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

b. Of the funds appropriated in this subsection, \$1,597,656 shall be used for tobacco use prevention, cessation, and treatment. The department shall utilize the funds to provide for a variety of activities related to tobacco use prevention, cessation, and treatment including to support Quitline Iowa, QuitNet cessation counseling and education, grants to school districts and community organizations to support Just Eliminate Lies youth chapters and youth tobacco prevention activities, the Just Eliminate Lies tobacco prevention media campaign, nicotine replacement therapy, and other prevention and cessation materials and media promotion. Of the funds allocated in this lettered paragraph, not more than \$148,262 may be utilized by the department for administrative purposes.

c. Of the funds appropriated in this subsection, \$793,166 shall be used for substance abuse treatment activities.

2. HEALTHY CHILDREN AND FAMILIES
..... \$ 493,574

a. Of the funds appropriated in this subsection, \$159,603 shall be used to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

b. Of the funds appropriated in this subsection, \$143,643 shall be used for childhood obesity prevention.

c. Of the funds appropriated in this subsection, \$190,328 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

d. It is the intent of the general assembly that the department of public health shall implement the recommendations of the postnatal tissue and fluid bank task force created in 2007 Iowa Acts, chapter 147, based upon the report submitted to the general assembly in November 2007, as funding becomes available. The department shall notify the Iowa Code editor and the persons specified in this Act to receive reports when such funding becomes available.

3. CHRONIC CONDITIONS

..... \$ 999,219

a. Of the funds appropriated in this subsection, \$383,271 shall be used for child health specialty clinics.

b. Of the funds appropriated in this subsection, \$454,224 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. The department shall utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the comprehensive cancer control program.

c. Of the funds appropriated in this subsection, \$161,724 shall be used for cervical and colon cancer screening.

4. COMMUNITY CAPACITY

..... \$ 2,720,507

a. Of the funds appropriated in this subsection, \$61,349 shall be deposited in the governmental public health system fund created by this Act to be used to further develop the Iowa public health standards and to begin implementation of public health modernization in accordance with chapter 135A, as enacted in this Act, to the extent funding is available.

b. Of the funds appropriated in this subsection, \$163,600 shall be used for the mental health professional shortage area program implemented pursuant to section 135.80.

c. Of the funds appropriated in this subsection, \$40,900 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.80.

d. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated:

(1) For distribution to the Iowa-Nebraska primary care association for statewide coordination of the Iowa collaborative safety net provider network: \$ 81,800

(2) For distribution to the Iowa family planning network agencies for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home: \$ 82,796

(3) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home: \$ 82,796

(4) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home: \$ 82,796

(5) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home: \$ 204,500

(6) For distribution to rural health clinics for necessary infrastructure, statewide coordina-

tion, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

.....	\$ 122,700
(7) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, ch. 218, section 109:	
.....	\$ 327,200
(8) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, ch. 218, section 108:	
.....	\$ 327,200

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

e. Of the funds appropriated in this subsection, \$500,000 shall be used to continue funding for the community health center incubation grant program. Funds shall be utilized by the recipient of the grant in the previous fiscal year to ensure continuation of affordable primary and preventive health care services to the uninsured and underserved in northwest Iowa.

f. Of the funds appropriated in this subsection, \$200,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this paragraph for an additional position to assist in the continued implementation including credentialing of direct care workers. The department of public health shall report to the persons designated in division I of this Act for submission of reports regarding use of the funds allocated in this lettered paragraph, on or before January 10, 2010.

g. (1) Of the funds appropriated in this subsection, \$150,000 shall be used for allocation to an independent statewide direct care worker association for education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health and long-term care.

(2) Of the funds appropriated in this subsection, \$70,000 shall be used to provide conference scholarships to direct care workers.

(3) The association specified in this lettered paragraph shall report to the persons designated in division I of this Act for submission of reports on or before January 1, 2010, the use of the funds allocated in this lettered paragraph, any progress made regarding the initiatives specified and in expanding the association statewide, and the number of scholarships provided, and shall include in the report a copy of the association's internal revenue service form 990.

h. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the Iowa collaborative safety net provider network.

i. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the volunteer health care provider program pursuant to section 135.24.

j. Of the funds appropriated in this subsection, \$222,870 shall be transferred to the department of elder affairs to be used for unmet needs.

Sec. 61. DEPARTMENT OF HUMAN SERVICES. In addition to any other appropriation made in this Act for the purposes designated, there is appropriated from the health care trust fund created in section 453A.35A to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purpose designated:

MEDICAL ASSISTANCE	
.....	\$ 111,834,156

Sec. 62. Section 453A.35, subsection 1, Code 2009, is amended to read as follows:

1. The proceeds derived from the sale of stamps and the payment of taxes, fees, and penal-

ties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. However, ~~beginning July 1, 2007,~~ of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, and credited to the general fund of the state under this subsection, there is appropriated, annually, to the health care trust fund created in section 453A.35A, the first one hundred ~~twenty-seven~~ seventeen million ~~six~~ seven hundred ~~ninety-six~~ thousand dollars.

DIVISION V
IOWACARE

Sec. 63. 2008 Iowa Acts, chapter 1187, section 44, subsection 3, is amended to read as follows:

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

.....	\$	40,000,000
		<u>46,000,000</u>

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of ~~\$37,000,000~~ 41,000,000 shall be allocated only if federal funds are available to match the amount allocated.

Sec. 64. IOWACARE ACCOUNT — DISTRIBUTION AND DEPOSIT OF PROCEEDS OF HOSPITAL TAX LEVY.

1. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 6, paragraph “a”, unnumbered paragraph 1, for the fiscal period beginning July 1, 2008, and ending June 30, 2009, the county treasurer of a county with a population over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of \$38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

2. Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph “a”, subparagraph (2), a maximum of \$21,000,000 in proceeds collected pursuant to section 347.7 between January 1, 2009, and June 30, 2009, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time in excess of a maximum of \$21,000,000 shall be distributed to the acute care teaching hospital identified in section 249J.24, subsection 6. However, if the collections for the period between January 1, 2009, and June 30, 2009, do not equal at least \$21,000,000, the initial proceeds collected pursuant to section 347.7 between January 1, 2009, and June 30, 2009, that are in excess of \$17,000,000 and which are distributed to the acute care teaching hospital identified in section 249J.24, subsection 6, shall be redistributed to the treasurer of state for deposit in the IowaCare account in a total amount not to exceed a maximum of \$21,000,000.

Sec. 65. EFFECTIVE DATE — RETROACTIVITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2008.

DIVISION VI
 APPROPRIATIONS — RELATED CHANGES
 TOBACCO USE PREVENTION AND CONTROL
 INITIATIVE — HEALTHY IOWANS TOBACCO TRUST

Sec. 66. 2008 Iowa Acts, chapter 1186, section 1, subsection 2, paragraph a, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

ADDICTIVE DISORDERS — GENERAL FUND

Sec. 67. 2008 Iowa Acts, chapter 1187, section 2, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

IOWA VETERANS HOME FTES

Sec. 68. 2008 Iowa Acts, chapter 1187, section 4, subsection 2, is amended to read as follows:

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes, ~~and for not more than the following full-time equivalent positions:~~

..... \$	12,694,154
..... FTEs	951.95

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. The funds appropriated in this section that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first \$1,000,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2009, the department of management shall transfer \$1,833,333 to the appropriation for the medical assistance program to be used for rebasing of hospital reimbursement under the medical assistance program. Any remaining funding shall be used for purposes of the Iowa veterans home.

FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
 BLOCK GRANT — FAMILY INVESTMENT PROGRAM

Sec. 69. 2008 Iowa Acts, chapter 1187, section 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the family investment program until the close of the succeeding fiscal year.

MEDICAL ASSISTANCE

Sec. 70. 2008 Iowa Acts, chapter 1187, section 9, unnumbered paragraph 2, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2008, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	649,629,269
		<u>587,884,830</u>

TRAINING FOR CHILD WELFARE SERVICES PROVIDERS

Sec. 71. 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph c, subparagraph (6), is amended to read as follows:

(6) For training for child welfare services providers, \$250,000. The training shall be developed by the department in collaboration with the coalition for children and family services in Iowa. Notwithstanding section 8.33, moneys allocated in this subparagraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

EMERGENCY AND CHILDRENS MENTAL HEALTH SERVICE

Sec. 72. 2008 Iowa Acts, chapter 1187, section 9, subsection 20, is amended by adding the following new paragraph:

NEW PARAGRAPH. cc. The department shall revise the provisions for the projects to implement an emergency mental health crisis services system and a mental health services system for children and youth under paragraph "c", subparagraphs (1) and (2), in order for services to be provided under both of the projects for a period of at least 24 months. Notwithstanding section 8.33, moneys allocated for the projects in paragraph "c" of this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

Sec. 73. 2008 Iowa Acts, chapter 1187, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 25. The revised appropriation made in this section incorporates reductions made pursuant to executive order number 10⁵ issued on December 22, 2008.

STATE SUPPLEMENTARY ASSISTANCE

Sec. 74. 2008 Iowa Acts, chapter 1187, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the state supplementary assistance program until the close of the succeeding fiscal year.

FAMILY SUPPORT SUBSIDY SLOTS

Sec. 75. 2008 Iowa Acts, chapter 1187, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any

⁵ Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

PREGNANCY COUNSELING

Sec. 76. 2008 Iowa Acts, chapter 1187, section 30, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2010.

NURSING FACILITIES

Sec. 77. 2008 Iowa Acts, chapter 1187, section 32, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the fiscal year beginning July 1, 2008, the total state funding amount for the nursing facility budget shall not exceed ~~\$183,367,323~~ \$158,482,025.

DEPARTMENT OF ELDER AFFAIRS — MATCHING FUNDS

Sec. 78. 2008 Iowa Acts, chapter 1187, section 39, is amended by adding the following new subsection:

NEWSUBSECTION. 4. Notwithstanding section 8.33, of the funds appropriated in this section, \$216,242 shall not revert at the close of the fiscal year, but shall remain available to provide matching funds for the senior nutrition programs and the senior internship program funded through the federal American Reinvestment and Recovery⁶ Act of 2009 for the period during which federal funding is available under the Act.

ACCOUNT FOR HEALTH CARE TRANSFORMATION

Sec. 79. 2008 Iowa Acts, chapter 1187, section 46, is amended to read as follows:

~~Sec. 46. TRANSFER FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is transferred from the account for health care transformation created pursuant to section 249J.23 to the IowaCare account created in section 249J.24 a total of \$3,000,000 for the fiscal year beginning July 1, 2008, and ending June 30, 2009.~~

MEDICAL ASSISTANCE PROGRAM NONREVERSION

Sec. 80. 2008 Iowa Acts, chapter 1187, section 50, is amended to read as follows:

~~SEC. 50. MEDICAL ASSISTANCE PROGRAM — REVERSION TO SENIOR LIVING TRUST FUND NONREVERSION FOR FY 2008-2009. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2008, and ending June 30, 2009, from the general fund of the state, the senior living trust fund, the healthy Iowans tobacco trust fund, the health care trust fund, and the property tax relief fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall be transferred to the senior living trust fund created in section 249H.4 remain available for expenditure for the purposes of the medical assistance program until the close of the fiscal year beginning July 1, 2009.~~

ADDICTIVE DISORDERS — HEALTH CARE TRUST FUND

Sec. 81. 2008 Iowa Acts, chapter 1187, section 62, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys appropriated in this subsec-

⁶ According to enrolled Act; the phrase "Recovery and Reinvestment" probably intended

tion that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

VIETNAM CONFLICT VETERANS BONUS FUND

Sec. 82. 2007 Iowa Acts, chapter 176, section 3, unnumbered paragraph 3, as enacted by 2008 Iowa Acts, chapter 1187, section 68, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the ~~succeeding~~ beginning ~~fiscal year~~ July 1, 2009.

INJURED VETERANS GRANT PROGRAM

Sec. 83. 2006 Iowa Acts, chapter 1184, section 5, as enacted by 2007 Iowa Acts, chapter 203, section 1, subsection 4, unnumbered paragraph 2, and amended by 2008 Iowa Acts, chapter 1187, section 69, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2008~~ 2009.

Sec. 84. 2008 Iowa Acts, chapter 1188, section 16, is amended to read as follows:

SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS — COVERING CHILDREN — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

FY 2008-2009	\$	4,800,000
FY 2009-2010	\$	14,800,000
		<u>4,207,001</u>
FY 2010-2011	\$	24,800,000

Sec. 85. CHILD CARE CREDIT FUND BALANCE TRANSFERRED. Moneys in the child care credit fund that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2008, are transferred to the general fund of the state.

Sec. 86. ADDICTIVE DISORDERS NONREVERSION DIRECTIVE. The authority provided in this division of this Act for nonreversion of the appropriations for addictive disorder conditions referenced in this section is limited to \$1,000,000 and shall be realized by applying the authority to such appropriations in the following order until the limitation amount is reached:

1. The appropriation made from the healthy Iowans tobacco trust in 2008 Iowa Acts, chapter 1186, section 1.
2. The appropriation made from the health care trust fund in 2008 Iowa Acts, chapter 1187, section 62, subsection 1.
3. The appropriation made from the general fund of the state in 2008 Iowa Acts, chapter 1187, section 2, subsection 1.

Sec. 87. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII
HEPATITIS AWARENESS

Sec. 88. Section 135.19, Code 2009, is amended to read as follows:

135.19 VIRAL HEPATITIS PROGRAM — AWARENESS, VACCINATIONS, AND TESTING — STUDY.

1. If sufficient funds are appropriated by the general assembly, the department shall establish and administer a viral hepatitis program. The goal of the program shall be to distribute information to citizens of this state who are at an increased risk for exposure to viral hepatitis regarding the higher incidence of hepatitis C exposure and infection among these populations, the dangers presented by the disease, and contacts for additional information and referrals. The program shall also make available hepatitis A and hepatitis B vaccinations, and hepatitis C testing.

2. The department shall establish by rule a list of individuals by category who are at increased risk for viral hepatitis exposure. The list shall be consistent with recommendations developed by the centers for disease control, and shall be developed in consultation with the Iowa viral hepatitis task force and the Iowa department of veterans affairs. The department shall also establish by rule what information is to be distributed and the form and manner of distribution. The rules shall also establish a vaccination and testing program, to be coordinated by the department through local health departments and clinics and other appropriate locations.

3. ~~The department shall conduct a study to provide an epidemiological profile of hepatitis C and to assess its current and future impact on the state. The department shall submit a report to the members of the general assembly by January 1, 2008, regarding the results of the study, and shall include a status report regarding the development and distribution of viral hepatitis information, and the results of the vaccination and testing program.~~

Sec. 89. Section 135.20, Code 2009, is repealed.

DIVISION VIII
SENIOR LIVING COORDINATING UNIT

Sec. 90. Section 231.58, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

231.58 LONG-TERM LIVING COORDINATION.

The director may convene meetings, as necessary, of the director and the directors of human services, public health, and inspections and appeals, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans in the state. The group may consult with individuals, institutions and entities with expertise in the area of the long-term living system and older Iowans, as necessary, to facilitate the group's efforts.

Sec. 91. Section 249H.3, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. New construction for long-term care alternatives, excluding new construction of assisted-living programs or elder group homes, ~~if the senior living coordinating unit determines that~~ new construction is more cost-effective than the conversion of existing space.

Sec. 92. Section 249H.3, subsection 8, paragraph b, Code 2009, is amended to read as follows:

b. New construction of an assisted-living program if existing nursing facility beds are no longer licensed and ~~the senior living coordinating unit determines that~~ new construction is more cost-effective than the conversion of existing space.

Sec. 93. Section 249H.3, subsection 12, Code 2009, is amended by striking the subsection.

Sec. 94. Section 249H.4, subsection 6, Code 2009, is amended by striking the subsection.

Sec. 95. Section 249H.7, subsection 1, Code 2009, is amended to read as follows:

1. ~~Beginning October 1, 2000, the~~ The department of elder affairs, ~~in consultation with the senior living coordinating unit,~~ shall use funds appropriated from the senior living trust fund for activities related to the design, maintenance, or expansion of home and community-based services for seniors, including but not limited to adult day services, personal care, respite, homemaker, chore, and transportation services designed to promote the independence of and to delay the use of institutional care by seniors with low and moderate incomes. At any time that moneys are appropriated, the department of elder affairs, ~~in consultation with the senior living coordinating unit,~~ shall disburse the funds to the area agencies on aging.

Sec. 96. Section 249H.7, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department of elder affairs shall adopt rules, in consultation with the ~~senior living coordinating unit and the~~ area agencies on aging, pursuant to chapter 17A, to provide all of the following:

Sec. 97. Section 249H.7, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Other procedures the department of elder affairs deems necessary for the proper administration of this section, ~~including but not limited to the submission of progress reports, on a bimonthly basis, to the senior living coordinating unit.~~

Sec. 98. Section 249H.9, subsection 1, Code 2009, is amended to read as follows:

1. The department of elder affairs and the area agencies on aging, ~~in consultation with the senior living coordinating unit,~~ shall create, on a county basis, a database directory of all health care and support services available to seniors. The department of elder affairs shall make the database electronically available to the public, and shall update the database on at least a monthly basis.

Sec. 99. Section 249H.10, Code 2009, is amended to read as follows:

249H.10 CAREGIVER SUPPORT — ACCESS AND EDUCATION PROGRAMS.

The department of human services and the department of elder affairs, ~~in consultation with the senior living coordinating unit,~~ shall implement a caregiver support program to provide access to respite care and to provide education to caregivers in providing appropriate care to seniors and persons with disabilities. The program shall be provided through the area agencies on aging or other appropriate agencies.

DIVISION IX GAMBLING TREATMENT FUND ELIMINATION

Sec. 100. Section 8.57, subsection 6, paragraph e, subparagraph (1), Code 2009, is amended to read as follows:

(1) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of ~~sixty~~ ~~sixty-six~~ million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11. The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the fiscal year beginning July 1, 2019. The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by

the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state. The total moneys in excess of the moneys deposited in the general fund of the state, the vision Iowa fund, and the school infrastructure fund in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 101. Section 99D.7, subsection 22, Code 2009, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded for life from a racetrack enclosure and all other licensed facilities under this chapter and chapter 99F. The process established shall require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99F. The state and any licensee under this chapter or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be deposited into credited to the gambling treatment general fund created in section 135.150 of the state.

Sec. 102. Section 99D.15, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 103. Section 99F.4, subsection 22, Code 2009, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded for life from an excursion gambling boat and all other licensed facilities under this chapter and chapter 99D. The process established shall require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99D. The state and any licensee under this chapter or chapter 99D shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be deposited into credited to the gambling treatment general fund created in section 135.150 of the state.

Sec. 104. Section 99F.11, subsection 3, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 105. Section 99G.39, subsection 1, Code 2009, is amended to read as follows:

1. Upon receipt of any revenue, the chief executive officer shall deposit the moneys in the lottery fund created pursuant to section 99G.40. At least fifty percent of the projected annual revenue accruing from the sale of tickets or shares shall be allocated for payment of prizes to the holders of winning tickets. After the payment of prizes, the following shall be deducted from the authority's revenue prior to disbursement:

a. ~~An amount equal to one-half of one percent of the gross lottery revenue for the year shall be deposited in the gambling treatment fund created in section 135.150.~~

b. ~~The expenses of conducting the lottery shall be deducted from the authority's revenue prior to disbursement.~~ Expenses for advertising production and media purchases shall not exceed four percent of the authority's gross revenue for the year.

Sec. 106. Section 135.150, Code 2009, is amended to read as follows:

135.150 GAMBLING TREATMENT FUND— PROGRAM — STANDARDS AND LICENSING.

1. ~~A gambling treatment fund is created in the state treasury under the control of the department. The fund consists of all moneys appropriated to the fund. However, if moneys appropriated to the fund in a fiscal year exceed six million dollars, the amount exceeding six million dollars shall be transferred to the rebuild Iowa infrastructure fund created in section 8.57.~~

Moneys in the fund are appropriated to the department for the purposes described in this section.

~~2. 1. a. Moneys appropriated to the department under this section shall be for the purpose of operating~~ The department shall operate a gambling treatment program and shall be used for funding of administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, crisis call access, education and preventive services, and financial management and credit counseling services.

b. A person shall not maintain or conduct a gambling treatment program funded under this section ~~through the department~~ unless the person has obtained a license for the program from the department. The department shall adopt rules to establish standards for the licensing and operation of gambling treatment programs under this section. The rules shall specify, but are not limited to specifying, the qualifications for persons providing gambling treatment services, standards for the organization and administration of gambling treatment programs, and a mechanism to monitor compliance with this section and the rules adopted under this section.

~~3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the gambling treatment fund shall be credited to the gambling treatment fund. Notwithstanding section 8.33, moneys credited to the gambling treatment fund shall not revert to the fund from which appropriated at the close of a fiscal year.~~

~~4. 2. The department shall report semiannually to the legislative government oversight committees regarding the operation of the gambling treatment fund and program. The report shall include, but is not limited to, information on revenues and expenses related to the fund for the previous period, fund balances for the period, and the moneys expended and grants awarded for operation of the gambling treatment program.~~

Sec. 107. GAMBLING TREATMENT FUND BALANCE TRANSFERRED — EFFECTIVE DATE.

1. Moneys in the gambling treatment fund that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2008, are transferred to the general fund of the state.

2. This section of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
CHILD DEATH REVIEW TEAM

Sec. 108. Section 135.43, subsection 1, Code 2009, is amended to read as follows:

1. An Iowa child death review team is established as ~~an independent agency of state government part of the office of the state medical examiner.~~ The Iowa department of public health office of the state medical examiner shall provide staffing and administrative support to the team.

Sec. 109. Section 135.43, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the ~~director of public health~~ state medical examiner. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the chairperson, ~~upon the request of a state agency,~~ state medical examiner or as determined by the review team. The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties. The review team shall include the following:

Sec. 110. Section 135.43, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The review team shall develop protocols for a child fatality review committee, to be appointed by the ~~director~~ state medical examiner on an ad hoc basis, to immediately review the child abuse assessments which involve the fatality of a child under age eighteen. The ~~director~~ state medical examiner shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee.

Sec. 111. Section 135.43, subsections 7 and 8, Code 2009, are amended to read as follows:

7. a. The state medical examiner, the Iowa department of public health, and the department of human services shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities.

b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the ~~department office of the state medical examiner~~ upon the request of the ~~department office~~, to be used only in the administration and for the duties of the Iowa child death review team. Except as provided for a report on a child fatality by an ad hoc child fatality review committee under subsection 4, information and records produced under this section which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this section.

8. Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The ~~department~~ state medical examiner shall adopt rules pursuant to chapter 17A to administer this subsection. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers under this section.

Sec. 112. Section 691.6, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 10. To provide staffing and support for the child death review team and any child fatality review committee under section 135.43.

Sec. 113. CHILD DEATH REVIEW TEAM RULES. The rules adopted by the department of public health for purposes of the child death review team under section 135.43 shall remain in effect until replaced by rules adopted for purposes of that section by the state medical examiner. Until replacement rules are adopted, the office of the state medical examiner shall fulfill the duties assigned to the department of public health under the rules being replaced.

DIVISION XI PUBLIC HEALTH MODERNIZATION

Sec. 114. LEGISLATIVE FINDINGS AND INTENT — PURPOSE. The general assembly finds all of the following:

1. A sound public health system is vital to the good health of all Iowans. Iowa's public health system reduces health care costs by promoting healthy behaviors, preventing disease and injury, and protecting the health of the population.

2. The current foundation and organizational capacity for the governmental public health system does not allow for the equitable delivery of public health services. Governmental public health is provided by county boards of health, city boards of health, one district board of health, the state board of health, and the department. Varying degrees of authority, adminis-

tration, and organizational capacity for providing public health services exist from community to community.

3. The Iowa public health modernization Act will allow boards of health, designated local public health agencies, and the department to increase system capacity, improve the equitable delivery of public health services, address quality improvement, improve system performance, and provide a foundation to measure outcomes through a voluntary accreditation program. The Iowa public health modernization Act will assure the public of the availability of a basic level of public health service in every community.

4. The Iowa public health modernization Act is the result of extensive collaboration among governmental public health entities, including local boards of health, local public health agencies, the department, and the state board of health; academia; and professional associations.

Sec. 115. NEW SECTION. 135A.1 SHORT TITLE.

This chapter shall be known and may be cited as the "Iowa Public Health Modernization Act".

Sec. 116. NEW SECTION. 135A.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires, the following definitions apply:

1. "Academic institution" means an institution of higher education in the state which grants undergraduate and postgraduate degrees and is accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this definition, "accredited" means a certification of the quality of an institution of higher education.

2. "Accrediting entity" means a legal, independent, nonprofit or governmental entity or entities approved by the state board of health for the purpose of accrediting designated local public health agencies and the department pursuant to the voluntary accreditation program developed under this chapter.

3. "Administration" means the operational procedures, personnel and fiscal management systems, and facility requirements that must be in place for the delivery and assurance of public health services.

4. "Committee" means the governmental public health evaluation committee as established in this chapter.

5. "Communication and information technology" means the processes, procedures, and equipment needed to provide public information and transmit and receive information among public health entities and community partners; and applies to the procedures, physical hardware, and software required to transmit, receive, and process electronic information.

6. "Council" means the governmental public health advisory council as established in this chapter.

7. "Department" means the department of public health.

8. "Designated local public health agency" means an entity that is either governed by or contractually responsible to a local board of health and designated by the local board to comply with the Iowa public health standards for a jurisdiction.

9. "Governance" means the functions and responsibilities of the local boards of health and the state board of health to oversee governmental public health matters.

10. "Governmental public health system" means the system described in section 135A.6.

11. "Iowa public health standards" means the governmental public health standards adopted by rule by the state board of health.

12. "Local board of health" means a county or district board of health.

13. "Organizational capacity" means the governmental public health infrastructure that must be in place in order to deliver public health services.

14. "Public health region" means, at a minimum, one of six geographical areas approved by the state board of health for the purposes of coordination, resource sharing, and planning and to improve delivery of public health services.

15. "Public health services" means the basic public health services that all Iowans should reasonably expect to be provided by designated local public health agencies and the department.

16. "Voluntary accreditation" means verification of a designated local public health agency or the department that demonstrates compliance with the Iowa public health standards by an accrediting entity.

17. "Workforce" means the necessary qualified and competent staff required to deliver public health services.

Sec. 117. NEW SECTION. 135A.3 GOVERNMENTAL PUBLIC HEALTH SYSTEM MODERNIZATION — LEAD AGENCY.

1. The department is designated as the lead agency in this state to administer this chapter.

2. The department, in collaboration with the governmental public health advisory council and the governmental public health evaluation committee, shall coordinate implementation of this chapter including but not limited to the voluntary accreditation of designated local public health agencies and the department in accordance with the Iowa public health standards. Such implementation shall include evaluation of and quality improvement measures for the governmental public health system.

Sec. 118. NEW SECTION. 135A.4 GOVERNMENTAL PUBLIC HEALTH ADVISORY COUNCIL.

1. A governmental public health advisory council is established to advise the department and make policy recommendations to the director of the department concerning administration, implementation, and coordination of this chapter and to make recommendations to the department regarding the governmental public health system. The council shall meet at a minimum of quarterly. The council shall consist of no fewer than fifteen members and no greater than twenty-three members. The members shall be appointed by the director. The director may solicit and consider recommendations from professional organizations, associations, and academic institutions in making appointments to the council.

2. Council members shall not be members of the governmental public health evaluation committee.

3. Council members shall serve for a term of two years and may be reappointed for a maximum of three consecutive terms. Initial appointment shall be in staggered terms. Vacancies shall be filled for the remainder of the original appointment.

4. The membership of the council shall satisfy all of the following requirements:

a. One member who has expertise in injury prevention.

b. One member who has expertise in environmental health.

c. One member who has expertise in emergency preparedness.

d. One member who has expertise in health promotion and chronic disease prevention.

e. One member who has epidemiological expertise in communicable and infectious disease prevention and control.

f. One member representing each of Iowa's six public health regions who is an employee of a designated local public health agency or member of a local board of health. Such members shall include a minimum of one local public health administrator and one physician member of a local board of health.

g. Two members who are representatives of the department.

h. The director of the state hygienic laboratory at the university of Iowa, or the director's designee.

i. At least one representative from academic institutions which grant undergraduate and postgraduate degrees in public health or other related health field and are accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this paragraph, "accredited" means a certification of the quality of an institution of higher education.

j. Two members who serve on a county board of supervisors.

k. Four nonvoting, ex officio members who shall consist of four members of the general assembly, two from the senate and two from the house of representatives, with not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the majority leader of the senate after consultation with the president and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and by the minority leader of the house of representatives.

1. A member of the state board of health who shall be a nonvoting, ex officio member.

5. The council may utilize other relevant public health expertise when necessary to carry out its roles and responsibilities.

6. The council shall do all of the following:

a. Advise the department and make policy recommendations to the director of the department concerning administration, implementation, and coordination of this chapter and the governmental public health system.

b. Propose to the director public health standards that should be utilized for voluntary accreditation of designated local public health agencies and the department that include but are not limited to the organizational capacity and public health service components described in section 135A.6, subsection 1, by October 1, 2009.

c. Recommend to the department an accrediting entity and identify the roles and responsibilities for the oversight and implementation of the voluntary accreditation of designated local public health agencies and the department by January 2, 2010. This shall include completion of a pilot accreditation process for one designated local public health agency and the department by July 1, 2011.

d. Recommend to the director strategies to implement voluntary accreditation of designated local public health agencies and the department effective January 2, 2012.

e. Periodically review and make recommendations to the department regarding revisions to the public health standards pursuant to paragraph "b", as needed and based on reports prepared by the governmental public health evaluation committee pursuant to section 135A.5.

f. Review rules developed and adopted by the state board of health under this chapter and make recommendations to the department for revisions to further promote implementation of this chapter and modernization of the governmental public health system.

g. Form and utilize subcommittees as necessary to carry out the duties of the council.

Sec. 119. NEW SECTION. 135A.5 GOVERNMENTAL PUBLIC HEALTH EVALUATION COMMITTEE.

1. A governmental public health evaluation committee is established to develop, implement, and evaluate the governmental public health system and voluntary accreditation program. The committee shall meet at least quarterly. The committee shall consist of no fewer than eleven members and no greater than thirteen members. The members shall be appointed by the director of the department. The director may solicit and consider recommendations from professional organizations, associations, and academic institutions in making appointments to the committee.

2. Committee members shall not be members of the governmental public health advisory council.

3. Committee members shall serve for a term of two years and may be reappointed for a maximum of three consecutive terms. Initial appointment shall be in staggered terms. Vacancies shall be filled for the remainder of the original appointment.

4. The membership of the committee shall satisfy all of the following requirements:

a. At least one member representing each of Iowa's six public health regions. Each representative shall be an employee or administrator of a designated local public health agency or a member of a local board of health. Such members shall be appointed to ensure expertise in the areas of communicable and infectious diseases, environmental health, injury prevention, healthy behaviors, and emergency preparedness.

- b. Two members who are representatives of the department.
 - c. A representative of the state hygienic laboratory at the university of Iowa.
 - d. At least two representatives from academic institutions which grant undergraduate and postgraduate degrees in public health or other health-related fields.
 - e. At least one economist who has demonstrated experience in public health, health care, or a health-related field.
 - f. At least one research analyst.
5. The committee may utilize other relevant public health expertise when necessary to carry out its roles and responsibilities.
6. The committee shall do all of the following:
- a. Develop and implement processes for evaluation of the governmental public health system and the voluntary accreditation program.
 - b. Collect and report baseline information for organizational capacity and public health service delivery based on the Iowa public health standards prior to implementation of the voluntary accreditation program on January 2, 2012.
 - c. Evaluate the effectiveness of the accrediting entity and the voluntary accreditation process.
 - d. Evaluate the appropriateness of the Iowa public health standards and develop measures to determine reliability and validity.
 - e. Determine what process and outcome improvements in the governmental public health system are attributable to voluntary accreditation.
 - f. Assure that the evaluation process is capturing data to support key research in public health system effectiveness and health outcomes.
 - g. Annually submit a report to the department by July 1.
 - h. Form and utilize subcommittees as necessary to carry out the duties of the committee.

Sec. 120. NEW SECTION. 135A.6 GOVERNMENTAL PUBLIC HEALTH SYSTEM.

1. The governmental public health system, in accordance with the Iowa public health standards, shall include but not be limited to the following organizational capacity components and public health service components:
- a. Organizational capacity components shall include all of the following:
 - (1) Governance.
 - (2) Administration.
 - (3) Communication and information technology.
 - (4) Workforce.
 - (5) Community assessment and planning. This component consists of collaborative data collection and analysis for the completion of population-based community health assessments and community health profiles and the process of developing improvement plans to address the community health needs and identified gaps in public health services.
 - (6) Evaluation.
 - b. Public health service components shall include all of the following:
 - (1) Prevention of epidemics and the spread of disease. This component includes the surveillance, detection, investigation, and prevention and control measures that prevent, reduce, or eliminate the spread of infectious disease.
 - (2) Protection against environmental hazards. This component includes activities that reduce or eliminate the risk factors detrimental to the public's health within the natural or man-made environment.
 - (3) Prevention of injuries. This component includes activities that facilitate the prevention, reduction, or elimination of intentional and unintentional injuries.
 - (4) Promotion of healthy behaviors. This component includes activities to assure services that promote healthy behaviors to prevent chronic disease and reduce illness.
 - (5) Preparation for, response to, and recovery from public health emergencies. This component includes activities to prepare the public health system and community partners to respond to public health threats, emergencies, and disasters and to assist in the recovery process.

2. The governmental public health system shall include but not be limited to the following entities:

- a. Local boards of health.
- b. State board of health.
- c. Designated local public health agencies.
- d. The department.

Sec. 121. NEW SECTION. 135A.7 GOVERNMENTAL PUBLIC HEALTH SYSTEM AND ACCREDITATION DATA COLLECTION SYSTEM.

1. The department shall establish and maintain a governmental public health system and an accreditation data collection system by which the state board of health, the director, the department, the council, and the committee may monitor the implementation and effectiveness of the governmental public health system based on the Iowa public health standards.

2. Notwithstanding section 22.7 or any other provision of law, local boards of health shall provide to the department and the accrediting entity upon request all data and information necessary to determine the local board's capacity to comply with the Iowa public health standards, including but not limited to data and information regarding governance, administration, communication and information technology, workforce, personnel, staffing, budget, contracts, and other program and agency information.

3. The department may share any data or information collected pursuant to this section with the council or the committee as necessary to perform the duties of the council and committee. Data and information provided to the department under this section which are confidential pursuant to section 22.7, subsection 2, 11, or 50, section 139A.3, or other provision of law, remain confidential and shall not be released by the department, the council, or the committee.

4. During the pendency of the accreditation process, all accreditation files and reports prepared for or maintained by the accrediting entity are confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release. After the accrediting entity has issued its recommendation or report only the preliminary drafts of the recommendation or report, and records otherwise confidential pursuant to chapter 22 or other provision of state or federal law, shall remain confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release.

5. To the extent possible, activities under this section shall be coordinated with other health data collection systems including those maintained by the department.

Sec. 122. NEW SECTION. 135A.8 GOVERNMENTAL PUBLIC HEALTH SYSTEM FUND.

1. The department is responsible for the funding of the administrative costs for implementation of this chapter. A governmental public health system fund is created as a separate fund in the state treasury under the control of the department. The fund shall consist of moneys obtained from any source, including the federal government, unless otherwise prohibited by law or the entity providing the funding. Moneys deposited in the fund are appropriated to the department for the public health purposes specified in this chapter. Moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 8.33, moneys in the governmental public health system fund at the end of the fiscal year shall not revert to any other fund but shall remain in the fund for subsequent fiscal years.

2. The fund is established to assist local boards of health and the department with the provision of governmental public health system organizational capacity and public health service delivery and to achieve and maintain voluntary accreditation in accordance with the Iowa public health standards. At least seventy percent of the funds shall be made available to local boards of health and up to thirty percent of the funds may be utilized by the department.

3. Moneys in the fund may be allocated by the department to a local board of health for organizational capacity and service delivery. Such allocation may be made on a matching, dollar-for-dollar basis for the acquisition of equipment, or by providing grants to achieve and maintain voluntary accreditation in accordance with the Iowa public health standards.

4. A local board of health seeking matching funds or grants under this section shall apply to the department. The state board of health shall adopt rules concerning the application and award process for the allocation of moneys in the fund and shall establish the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the needs of local boards of health.

Sec. 123. NEW SECTION. 135A.9 RULES.

The state board of health shall adopt rules pursuant to chapter 17A to implement this chapter which shall include but are not limited to the following:

1. Incorporation of the Iowa public health standards recommended to the department pursuant to section 135A.5, subsection 6.
2. A voluntary accreditation process to begin no later than January 2, 2012, for designated local public health agencies and the department.
3. Rules relating to the operation of the governmental public health advisory council.
4. Rules relating to the operation of the governmental public health system evaluation committee.
5. The application and award process for governmental public health system fund moneys.
6. Rules relating to data collection for the governmental public health system and the voluntary accreditation program.
7. Rules otherwise necessary to implement the chapter.

Sec. 124. NEW SECTION. 135A.10 PROHIBITED ACTS — FRAUDULENTLY CLAIMING ACCREDITATION — CIVIL PENALTY.

A local board of health or local public health agency that imparts or conveys, or causes to be imparted or conveyed, information claiming that it is accredited pursuant to this chapter or that uses any other term to indicate or imply it is accredited without being accredited under this chapter is subject to a civil penalty not to exceed one thousand dollars per day for each offense. However, nothing in this chapter shall be construed to restrict a local board of health or local public health agency from providing any services for which it is duly authorized.

Sec. 125. NEW SECTION. 135A.11 IMPLEMENTATION.

The department shall implement this chapter only to the extent that funding is available.

Sec. 126. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII
IOWACARE — NONPARTICIPATING
PROVIDER — REIMBURSEMENT

Sec. 127. NEW SECTION. 249J.24A NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — REIMBURSEMENT FUND.

1. A nonparticipating provider may be reimbursed for covered expansion population services provided to an expansion population member by a nonparticipating provider, if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

- a. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.
- b. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically necessary services.
- c. If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

d. If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

2. a. If the nonparticipating provider meets the requirements specified in subsection 1, the nonparticipating provider shall be reimbursed for covered expansion population services provided to the expansion population member through the nonparticipating provider reimbursement fund in accordance with rules adopted by the department of human services. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24, shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

b. Reimbursement of nonparticipating providers under this section shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability of funds in the nonparticipating provider reimbursement fund and subject to the appropriation of moneys in the fund to the department.

c. The department shall reimburse the nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

3. a. A nonparticipating provider reimbursement fund is created in the state treasury under the authority of the department. Moneys designated for deposit in the fund that are received from sources including but not limited to appropriations from the general fund of the state, grants, and contributions, shall be deposited in the fund. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24 shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

b. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes specified in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Moneys deposited in the fund shall be used only to reimburse nonparticipating providers who provide covered services to expansion population members if no other third party is liable for reimbursement and as specified in subsection 1.

d. The department shall attempt to maximize receipt of federal matching funds under the medical assistance program for covered services provided under this section if such attempt does not directly or indirectly limit the federal funds available to participating providers.

4. For the purposes of this section, "nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

Sec. 128. NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — IOWACARE PROGRAM WAIVER RENEWAL.

1. Beginning July 1, 2010, the department of human services shall include in any medical assistance program waiver relating to the continuation of the IowaCare program pursuant to chapter 249J, provisions for reimbursement of covered expansion population services provided to an expansion population member by a nonparticipating provider subject to all of the following:

a. A nonparticipating provider may be reimbursed if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

(1) If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.

(2) If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically necessary services.

(3) If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

(4) If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

b. Reimbursement of a nonparticipating provider shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability and appropriation of funds to the department for such purpose.

c. Reimbursement shall be made to a nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

d. For the purposes of this section, "nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

2. Notwithstanding the requirement of this section directing the department of human services to include provisions for reimbursement of covered services provided to an expansion population member by a nonparticipating provider under any medical assistance program waiver relating to the continuation of the IowaCare program beginning July 1, 2010, if the department of human services in consultation with the governor determines that such requirement would adversely affect continuation of or would reduce the amount of funding available for the IowaCare waiver, the department shall not include such provisions in the IowaCare waiver.

DIVISION XIII MISCELLANEOUS STATUTORY CHANGES

Sec. 129. NEW SECTION. 157.3B EXAMINATION INFORMATION.

Notwithstanding section 147.21, individual pass or fail examination results made available from the authorized national testing agency to the board may be disclosed to the board-approved education program from which the applicant for licensure graduated for purposes of verifying accuracy of national data and reporting aggregate licensure examination results as required for a program's continued accreditation.

Sec. 130. Section 234.12A, subsection 1, Code 2009, is amended to read as follows:

1. The department of human services shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the food assistance program. The electronic benefits transfer program implemented under this section ~~shall at a minimum provide for all of the following:~~

~~a. A retailer shall not be required~~ require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

~~b. A retailer providing electronic funds transfer system equipment for transactions pursuant to the program shall be reimbursed seven cents for each approved transaction pursuant to the program utilizing the retailer's equipment.~~

~~c. A retailer that provides electronic funds transfer system equipment for transactions pursuant to the program and who makes cash disbursements pursuant to the program utilizing the retailer's equipment shall be paid a fee of seven cents by the department for each cash disbursement transaction by the retailer.~~

Sec. 131. Section 237B.1, subsection 3, Code 2009, is amended to read as follows:

3. In establishing the initial and subsequent standards, the department of human services shall review other certification and licensing standards applicable to the centers. The standards established by the department shall be broad facility standards for the protection of children's safety. The department shall also apply criminal and abuse registry background check requirements for the persons who own, operate, staff, participate in, or otherwise have contact with the children receiving services from a children's center. The background check requirements shall be substantially equivalent to those applied under chapter 237 for a child foster care facility provider. The department of human services shall not establish program standards or other requirements under this section involving program development or oversight of the programs provided to the children served by children's centers.

Sec. 132. Section 249A.3, subsection 14, Code 2009, is amended to read as follows:

14. Once initial ongoing eligibility for the family medical assistance program-related medical assistance is determined for a child described under subsection 1, paragraph "b", "f", "g", "j", "k", "l", or "n" or under subsection 2, paragraph "e", "f", or "h" the age of nineteen, the department shall provide continuous eligibility for a period of up to twelve months regardless of changes in family circumstances, until the child's next annual review of eligibility under the medical assistance program, ~~if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible~~ with the exception of the following children:

- a. A newborn child of a medical assistance-eligible woman.
- b. A child whose eligibility was determined under the medically needy program.
- c. A child who is eligible under a state-only funded program.
- d. A child who is no longer an Iowa resident.
- e. A child who is incarcerated in a jail or other correctional institution.

Sec. 133. CHILD SUPPORT ENFORCEMENT INFORMATION. The sections of 2009 Iowa Acts, Senate File 319,⁷ amending section 252B.5, subsection 9, paragraph "b", unnumbered paragraph 1; section 252B.9, subsection 2, unnumbered paragraph 1; section 252B.9, subsection 2, paragraph "a"; section 252B.9, subsection 2, paragraph "b", unnumbered paragraph 1; section 252B.9, subsection 2, paragraph "b", subparagraph (1); section 252B.9, subsection 3, paragraphs "e" and "g"; section 252B.9A, subsection 1; section 252G.5, subsections 2 and 3; section 598.22, subsection 3; and section 598.26, subsection 1, Code 2009, and providing for such amendments' effective date, are repealed.

Sec. 134. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 249A.3, subsection 14, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2008.

Sec. 135. EXCHANGE OF ELECTRONIC INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION. The executive committee of the electronic health information advisory council created in section 135.156, with the technical assistance of the advisory council and the support of the department of public health, shall review the electronic exchange of individually identifiable health information by health care providers for the purpose of treatment with the goal of facilitating informed treatment decisions and providing higher quality and safer care, while protecting the privacy of patients and the security and confidentiality of patient information. Following the review, the executive committee shall report the results of its review and recommendations, including any proposed changes in state law and rules relating to such information exchange, to the governor and the general assembly no later than December 15, 2009.

⁷ Chapter 15 herein

Sec. 136. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to child support enforcement information by repealing sections of 2009 Iowa Acts, Senate File 319,⁸ as enacted, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to March 23, 2009.

Sec. 137. CODE EDITOR DIRECTIVE — INTENT.

1. References in this Act to the department of elder affairs mean the department on aging in accordance with 2009 Iowa Acts, Senate File 204,⁹ as enacted, unless a contrary intent is clearly evident.

2. The Iowa Code editor is directed to make conforming changes, as appropriate, to codified provisions of this Act to reflect the provisions of 2009 Iowa Acts, Senate File 204,¹⁰ as enacted, including but not limited to replacing the words “department of elder affairs” with the words “department on aging”.

Sec. 138. Sections 237A.28 and 422.100, Code 2009, are repealed.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 811, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. House File 811 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 28, subsection 3 in its entirety. This language requires the Department of Human Services to provide detailed proposals for any reorganization to the Legislature. It requires a 30-day advance notice. This provision infringes on the Executive Branch’s duties to administer operations and programs. As I have previously stated, making government more efficient is a priority of my Administration, but we should not do it in a piece-meal fashion as this language would require. We need a more comprehensive reorganization.

I am unable to approve the item designated as Section 35 in its entirety. This language directs the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs to develop plans for a five-percent reduction in their respective budgets and a report of such reductions to the Legislature by December 15, 2009. A budget process is already delineated in law that starts with the Executive Branch, and this language infringes on the Executive Branch’s duties to develop the state budget.

I am unable to approve the item designated as Section 37 in its entirety. Section 37 directs employees to submit actual receipts for meals and other costs and requires reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature’s own employees. Accordingly, I have issued Executive Order Thirteen¹¹ to require the Department of Administrative

⁸ Chapter 15 herein

⁹ Chapter 23 herein

¹⁰ Chapter 23 herein

¹¹ Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve the item designated as Section 38 in its entirety. This language directs that all out-of-state travel for performance of official state business by state employees of the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs or agencies subject to this Act must be approved by the Executive Council. While only certain out-of-state travel must, by law, be approved by the Executive Council, this language would extend this requirement to all out-of-state travel for the performance of official state business by these agencies, including the University of Iowa Hospitals and Clinics (UIHC). Extending this requirement for all out-of-state travel for performance of official state business by UIHC is not in the best interests of providing emergency medical care and taking care of patients. This language would set a different standard for these agencies. When economic conditions required such action last December, I restricted out-of-state travel by Executive Branch employees.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 811 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 183

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

H.F. 820

AN ACT relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I FEDERAL BLOCK GRANT AND OTHER FEDERAL FUNDING — FY 2009-2010

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

..... \$ 13,477,961